IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 16967 of 2004

Between:

1 S.Linga Reddy S/o.Gandi Reddy
R/o.Kappapahad Village Ibrahimpatnam Mandal, Ranga Reddy District.
2 Somala Yadigiri Reddy S/o. Gandi Reddy
R/o.Kappapahad Village Ibrahimpatnam Mandal, Ranga Reddy District.
3 Somala Mohan Reddy S/o. Gandi Reddy
R/o.Kappapahad Village Ibrahimpatnam Mandal, Ranga Reddy District.
4 Somala Sathi Reddy S/o. Gandi Reddy
R/o.Kappapahad Village Ibrahimpatnam Mandal, Ranga Reddy District.
5 Somala Prabhakar Reddy S/o. Gandi Reddy
R/o.Kappapahad Village Ibrahimpatnam Mandal, Ranga Reddy District.

..... PETITIONERS

AND

1 The State of A.P Through Secretary Revenue
Govt. of A.P. Secretariat, Hyderabad.
2 The Joint Collector, Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ or order or direction more in the nature of a writ of Mandamus declaring the action of the respondents in seeking to resume the land of the Petitioners admeasuring Ac.40.00 in sy.Nos.120,121,197 and 201 of Kappapahad Village, Ibrahimpatnam TQ, Ranga Reddy District exercising Suo-moto revisionary powers after an unreasonable length of time as violative of the fundamental rights of the petitioners apart from the action being illegal and arbitrary.

Counsel for the Petitioner:MR.B.VIJAYSEN REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court, at the stage of admission, made the following :

ORDER:

Against the validation of sale in favour of the petitioners' vendor, under Section 50-B of the A.P.(Telangana Area) Tenancy & Agricultural Lands Act, 1950 (for short 'the Act'), the Joint Collector, in exercise of the suo-moto revisional jurisdiction, issued show cause notice for cancellation of the validation certificate. After receiving explanation from the petitioners' vendor, the Joint Collector cancelled the said certificate through proceedings No.B4/11628/89, dated 19-08-1991. Questioning the same, the petitioners' vendor filed C.R.P.No.2722 of 1991 before this Court, which was dismissed by upholding the order of the Joint-Collector, which reads as under:

> "where no innocent third party interests have crept in and where the nature of fraud or misrepresentation is so glaring and patent crying out for judicial correction and where the vendor and vendees are parties to the fraud played on the State, it becomes the duty of the revisional authority to take action immediately the fraud is detected and discovered. It is for that reason, the statute gave power to the Joint Collector without reference to any time limit. This Court should not support the contention which will have the effect of circumventing the provisions of Land Ceilings Act and the party to the fraud benefited by his fraudulent act. The theory of arbitrary cancellation and improper exercise of jurisdiction, are all, in my opinion, inapplicable to a case of this nature."

Aggrieved by the same, the petitioners' vendor carried the matter to the Supreme Court in Civil Appeal No.1892 of 1998. The said appeal was dismissed observing as under:

> "The learned Single Judge has distinguished those cases stating that in these appeals, as noted above, the fraud alleged against the appellants was established and the action was taken exercising suo-moto power within

a reasonable time having regard to the facts and circumstances of the case that came to the light. In the light of these findings of fact recorded by the learned Single Judge based on material placed on record and supported by cogent reasons, we do not find any valid reason or good ground to interfere with the impugned order."

Subsequently, the petitioners, who are said to have purchased the lands from the petitioners' vendor, filed Writ Petition (Civil) No.578 of 2003, apprehending that they would be dispossessed in pursuance of the said order passed by the Supreme Court, and withdrew the same with a liberty to approach this Court, in the first instance, and filed the present writ petition.

Petitioners, who are admittedly claiming the land through their vendor-petitioner in C.R.P.No.2722 of 1991, in whose favour the sale was validated under Section 50-B of the Act, have challenged the order cancelling the validation unsuccessfully in C.R.P.No.2722 of 1991 before this Court and also in Civil appeal No.1892 of 1998 before the Supreme Court. When a finding was recorded that the petitioners' vendor played fraud in getting validation of sale in his favour; if any direction is issued in favour of the petitioners, that will amount to nullifying the order passed by this Court in C.R.P.No.2722 of 1991, which has already attained finality, on dismissal of the Civil Appeal by the Supreme Court.

In view of the same, I see no grounds to entertain the writ petition and the same is accordingly dismissed. However, it is always open for the petitioners to move the Civil Court for appropriate declaration, if so advised. No costs.

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A. **GOPAL REDDY, J**

22nd September, 2004

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To:

1 The Secretary Revenue, Govt. of A.P. Secretariat, Hyderabad.
2 The Joint Collector, Ranga Reddy District.

3 Two C.C.s to the G.P for Revenue,

High Court Buildings, Hyderabad (OUT).

4 Two C.D. Copies.

THE HON'BLE MR JUSTICE A.GOPAL REDDY

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22nd SEPTEMBER, 2004